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Application No. 10/733499
*Page 6**Amendment filed with RCE*
*Attorney Docket No. A39.2B-11304-US01***Remarks**

This Amendment is in response to the Office Action dated September 14, 2006, and is filed with a Request for Continued Examination. Claims 1-25 are pending in this application. Claims 19 and 20 have been withdrawn. The Office Action rejected claims 1, 4-6, 8, 9, 11, 12, 14, 21 and 22 under 35 USC § 102 over Schmidt (US 4649796); rejected claims 24 and 25 under 35 USC § 102 over Koerner (US 4495851); rejected claims 15-18 under 35 USC § 103 over Schmidt; and rejected claims 2, 3, 7, 10 and 13 under 35 USC § 103 over Schmidt in view of Keil (US 6176168).

By this Amendment, claims 1-6, 10-12, 14 and 19-24 are amended. Support for the amendments can be found at least in Figures 3 and 6-8, and page 7, lines 10-19. Applicants reserve the right to prosecute all cancelled subject matter in a subsequent patent application claiming priority to the immediate application. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claim Rejections –Schmidt (35 USC §§ 102 & 103)

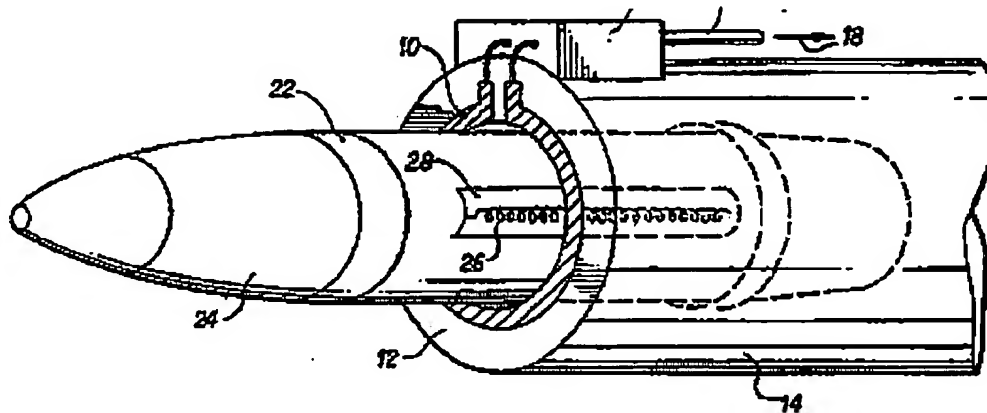
The Office Action rejected claims 1, 4-6, 8, 9, 11, 12, 14, 21 and 22 under 35 USC § 102 over Schmidt. The Office Action also rejected claims 15-18 under 35 USC § 103 over Schmidt.

Independent claims 1, 5 and 21 have been amended and require: 1) a fuze comprising a power receiver and a data receiver; 2) a fuze setter comprising a power transmitter and a data transmitter; 3) transmission of operational power from the power transmitter to the power receiver; and 4) transmission of fuze setting data from the data transmitter to the data receiver. The amendments are believed to render the rejections moot.

Schmidt discloses a system for setting a fuze having a transmitter coil 10 positioned at the end of a gun barrel 14. See Figure 1, provided below, and column 3, lines 30-33. As the projectile 24 exits the gun barrel 14 and passes through the coil 10, the coil 10 transmits an inductive signal to a receiver coil 26 inside the projectile 24 for a predetermined period of time. The duration of the inductive signal corresponds to the fuze time delay value [e.g. the time delay until explosion]. See column 2, lines 29-38 and column 4, lines 10-20.

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Schmidt does not disclose or suggest a fuze setter than comprises both a power transmitter and a data transmitter, or a fuze that comprises both a power receiver and a data receiver. Schmidt further does not disclose transmitting operational power from the fuze setter to the fuze.

Schmidt is silent as to how the projectile is provided with operational power. A person of ordinary skill in the art would recognize that the receiver coil 26 is oriented within the transmitter coil 10 for such a short time period that power for the fuze must be provided by something other than the transmitter coil 10, for example a battery.

Thus, Applicants assert that Schmidt does not disclose or suggest all of the limitations of independent claims 1, 5 and 21, and that these claims are patentable over Schmidt under 35 USC § 102. Each of the rejected dependent claims are patentable over Schmidt for at least the reasons discussed with respect to the independent claim from which it depends. Accordingly, Applicants request withdrawal of the rejections over Schmidt under 35 USC §§ 102 & 103.

Claim Rejections – Koerner (35 USC § 102)

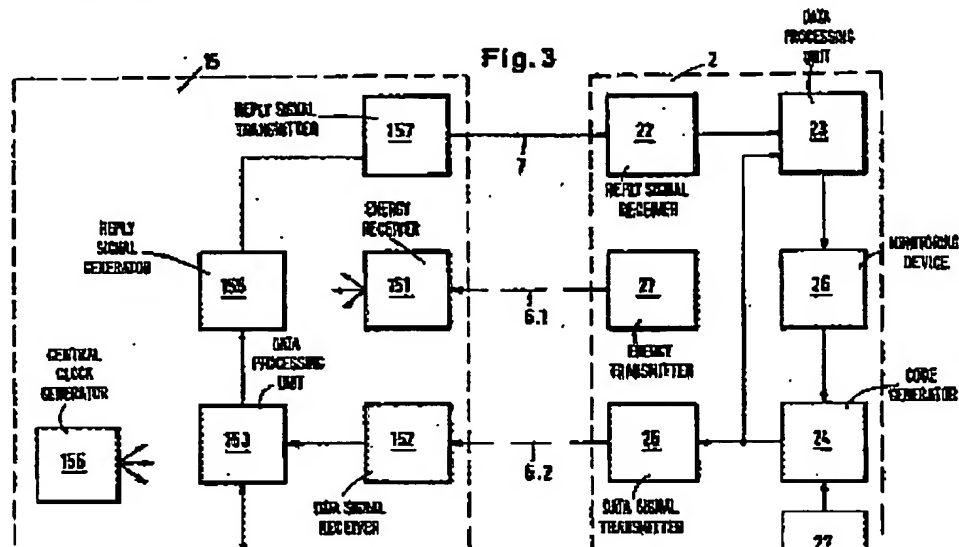
The Office Action rejected claims 24 and 25 under 35 USC § 102 over Koerner. Claim 24 has been amended and requires a “power transmitter comprising an inductive coil” to transmit “an inductive power carrier signal.”

Koerner discloses a fuze setting system wherein data is transmitted from programming equipment 2 to an electronic circuit 15 within a fuze over multiple radio channels

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6.1, 6.2 and 7. See Figure 3, provided below, and column 6, line 51-column 7, line 4.



Koerner states, "In a practical application, the radio channels 6.1, 6.2 and 7, shown separately in FIG. 3 of the drawing for easier understanding can be radiated and received, respectively, by only one respective antenna in the programming equipment 2 and at the fuse 5, respectively." See column 7, lines 21-30 (emphasis added). Thus, each of the radio channels 6.1, 6.2 and 7 comprises a radio signal.

The Keorner device does not include a "power transmitter comprising an inductive coil" as required by claim 24. Because the communication channels 6.1, 6.2 and 7 each comprise a radio signal transmitted by antenna, the Keorner device further does not transmit an "inductive power carrier signal" as required by claim 24. Therefore, Applicants assert that claim 24, and claim 25 dependent therefrom, are patentable over Koerner under 35 USC § 102. Accordingly, Applicants request withdrawal of the rejections over Koerner.

Claim Rejections – Schmidt and Keil (35 USC § 103)

The Office Action rejected claims 2, 3, 7, 10 and 13 under 35 USC § 103 over Schmidt in view of Keil. Amendments to independent claims 1 and 5 are believed to have rendered the rejections moot.

Applicants further assert that there is no motivation to combine Schmidt and Keil

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as proposed in the Office Action. A person of ordinary skill in the art would simply use the Keil device, rather than modifying Schmidt according to Keil, or vice versa.

As discussed above, Schmidt discloses a fuze setter having a transmitter coil 10 positioned at the end of a gun barrel 14, wherein the coil 10 transmits a time delay programming signal to the fuze as the projectile exits the gun barrel. See above section discussing Schmidt rejections under 35 USC §§ 102 & 103.

As stated in the Office Action, Keil discloses a fuze setter that is capable of providing operational power and fuze setting information, as well as receiving a talkback signal to verify the fuze setting information.

The Keil device is capable of programming the fuze with the same information as the Schmidt device, as the setting data provided by the Keil device can include a time delay programming command. See e.g. column 1, lines 26-28. The Keil device is further capable of operations that go beyond the capabilities of the Schmidt device – e.g. providing operational power and receiving the talkback signal. Thus, the Keil device is superior to the Schmidt device.

A person of ordinary skill in the art would not be motivated to combine Keil and Schmidt because there would be no benefit – the Keil device already provides the fuze with any data that could be transmitted by a Schmidt fuze setter. Therefore, a person of ordinary skill in the art would simply use a Keil fuze setter, and there is no motivation to combine Keil and Schmidt.

Accordingly, Applicants request withdrawal of the rejections under 35 USC § 103.

Withdrawn Claims

Applicants request that withdrawn claims 19 and 20 be reinstated and examined. Applicants previously elected to prosecute claims directed to a system comprising a fuze and a fuze setter. See Response to Restriction Requirement filed December 28, 2005. Withdrawn claims 19 and 20 are drawn to the fuze setter alone. The limitations of withdrawn claims 19 and 20, amended herein, are similar to the fuze setter limitations included in the other pending claims. Therefore, the prior art that is required for examination of claims 19 and 20 is already being considered. Examination of claims 19 and 20 will not place an additional burden on the

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USPTO, as no further prior art searching would be required.

Conclusion

Based on at least the foregoing amendments and remarks, Applicants respectfully submit this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-25 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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Date: December 14, 2006

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